

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 49-54, 64 and 65 are requested to be canceled without prejudice or disclaimer.

Claims 1, 37, 46, 47, 55, 58, 59 and 63 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-4, 9, 13-14, 37-48 and 55-63 are now pending in this application.

Rejections under 35 U.S.C. § 101

Claims 64 and 65 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant has canceled claims 64 and 65 without prejudice or disclaimer. The rejection of claims 64 and 65, therefore, is moot.

Rejections under 35 U.S.C. § 103

Claims 1-4, 9, 13, 14 and 37-65 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Background of the Invention in view of XP-002271691 (hereinafter “XP Reference”) and further in view of International Patent Publication No. WO 2001/80525 to Hans, Sebastian and Juergen (hereinafter “Hans”). As to canceled claims 49-54, 64 and 65, the rejection is moot. Applicant respectfully traverses the rejection of claims 1-4, 9, 13, 14, 37-48 and 55-63 for at least the following reasons.

As noted in a previous replies by Applicant, embodiments of the present invention relate to linking a service context to a terminal connection in a network controlling device of

a data network. As noted in the abstract of the disclosure, in accordance with embodiments of the present invention, network resources can be optimized. In this regard, rather than a terminal device informing the GGSN of its interest for a service, the terminal device is informed of the service provision by the data network through a service notification. Further, in accordance with embodiments of the present invention, an authorized service activation is received by a network control device from a subscriber control element (e.g., SGSN or GGSN). Further, an association between the service context and the terminal connection may be established by the network control device based upon a network response to a service indication. These features were previously recited in independent claims 37, 55 and 63. Applicant has amended independent claim 1 to recite this feature and has amended claims 37, 55 and 63 to more clearly recite this feature.

In rejecting claims 37, 55 and 63, the Examiner acknowledges that neither the Background of the Invention nor the XP Reference teach or suggest this feature. Instead, the Examiner cites Hans as allegedly disclosing this feature. Applicant respectfully disagrees with the Examiner's interpretation of the disclosure of Hans as applied to the pending claims. Hans fails to teach or suggest receiving from a subscriber control element a confirmation of authorized service activation and establishing a link between the service context and the terminal connection based on a network response to said forwarded service indication.

Hans relates to a network security system controlling access by client stations to a resource. See Hans, Abstract. In accordance with the disclosure of Hans, a server holds user data and issues an authentication request to the user device in response to an access request identifying the user and the resource to be accessed. The server receives a response to the authentication request from the user device and evaluates the response to determine whether the user is permitted to gain access to the resource.

The examiner argues that Hans discloses receiving by a network controlling device a confirmation of authorized service activation from a subscriber control element at Hans, Fig. 6 and page 6, lines 27-32. See Office Action dated May 14, 2009, page 6. However, the portions of Hans cited by the Examiner disclose that the server receives an authentication response in response to the authentication request sent to the user device. This is clearly

illustrated by Hans in noting that the “verification can include suitable decryption, if required, and checks to see that the response is from the appropriate user and is as expected.” Hans, page 6, lines 27-28.

By contrast, in accordance with embodiments of the present invention, an authorized service activation is received by a network controlling device from a subscriber control element (e.g., SGSN or GGSN). An authorized service activation is different than an authentication response. The authentication response received by the server, as described in Hans, requires further checking by the server to make sure that the response is received from the appropriate user device. See e.g., Hans, page 6, line 27. Further, the authentication response, as described in Hans, is received by the server from the user device requesting the access to the resource. By contrast, in accordance with embodiments of the present invention, the authorized service activation is received at the network controlling device from a subscriber control element. Thus, Hans fails to teach or suggest “receiving, at said network controlling device a confirmation of authorized service activation from a subscriber control element,” as recited in pending claim 1, for example.

Further, Hans fails to teach or suggest “establishing, by said network controlling device, an association between said service context and said terminal connection based on a network response to said service indication.” The examiner argues that Hans discloses this feature at Hans, page 8, lines 24-32. The cited portions of Hans disclose that a server links a user device address (e.g., phone number) to a user-ID. The Examiner equates the user device address and the user-ID of Hans to the service context and the terminal connection recited in the pending claims. Applicant respectfully disagrees with the Examiner’s interpretation of the disclosure of Hans as applied to the pending claims.

As described in the originally filed specification, a service context (e.g., MBMS context) contains information and parameters necessary for each MBMS service. For example, as described in the originally filed specification, “[a]mong others, the MBMS context contains the PDP (Packet Data Protocol) address ... and the Access Point Name (APN) used to access the MBMS service.” Specification, page 10, paragraph [0050].

Further, in the specification, the terminal connection is described as the UE-based RRC active set. See Specification, page 10, paragraph [0051].

By contrast, the user-ID disclosed in Hans is an ID assigned by the server to the user. There is no correlation between the user device address and the user-ID of Hans to the service context and the terminal connection recited in the pending claims, as alleged by the Examiner.

Thus, Hans fails to teach or suggest “establishing, by said network controlling device, an association between said service context and said terminal connection based on a network response to said service indication.” Thus, Hans fails to cure the above-noted deficiencies of the other cited references.

Since the cited references, either alone or in combination, fail to teach or suggest each feature of the pending claims, the Office Action fails to establish a *prima facie* case of obviousness.

Therefore, independent claims 1, 37, 55 and 63 are patentable. As to claims 2-4, 9, 13, 14, 38-48 and 56-62, these claims each depend from one of allowable claims 1, 37 or 55 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the

credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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